

By SHAPP

1/28/85  
SB. No. 272

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to *voters in and dissolution of* soil and water conservation districts and the operation, *powers, and duties*  
3 of the State Soil and Water Conservation Board; , ,

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subsection (d), Section 201.001, Agriculture  
6 Code, is amended to read as follows:

7 "(d) It is the policy of the legislature to provide for the  
8 conservation of soil and related [soil] resources of this state and  
9 for the control and prevention of soil erosion, and thereby to  
10 preserve natural resources, control floods, prevent impairment of  
11 dams and reservoirs, assist in maintaining the navigability of  
12 rivers and harbors, preserve wildlife, protect the tax base,  
13 protect public lands, and protect and promote the health, safety,  
14 and general welfare of the people of this state, and thus to carry  
15 out the mandate expressed in Article XVI, Section 59a, of the Texas  
16 Constitution. It is further declared as a matter of legislative  
17 intent and determination of policy that the State Soil and Water  
18 Conservation Board is the state agency responsible for implementing  
19 the constitutional provisions and state laws relating to the  
20 conservation and protection of soil resources [~~agencies-created,~~  
21 ~~powers-conferred,-and-activities-contemplated-in-this--chapter--for~~  
22 ~~the--conservation-of-soil-and-water-resources-and-for-the-reduction~~  
23 ~~of-public-damage-resulting-from-failure-to-serve--these--natural~~  
24 ~~resources,-are--supplementary--and--complementary--to--the-work-of~~

1 various-river-and-other-authorities-in--this--state--and--to--other  
2 state--officers,-agencies,-and-districts-engaged-in-closely-related  
3 projects,-and-shall-not-duplicate-or-conflict-with-that-work].''

4 SECTION 2. Subchapter A, Chapter 201, Agriculture Code, is  
5 amended by amending Sections 201.002 and 201.003 and adding Section  
6 201.005 to read as follows:

7 "Sec<sup>tion</sup> 201.002. DEFINITIONS. In this chapter:

8 "(1) "Conservation district" means a soil and water  
9 conservation district.

10 "(2) "Director" means a member of the governing board  
11 of a conservation district.

12 "(3) "Family farm corporation" means a farm corporation  
13 all shareholders of which are related to each other within the  
14 second degree by consanguinity or affinity.

15 "(4) "Federal agency" includes the Soil Conservation  
16 Service of the United States Department of Agriculture and any  
17 other agency or instrumentality of the federal government.

18 "(5) [(4)] "Occupier" means a person who is in  
19 possession of land lying within a conservation district, either as  
20 lessee, tenant, or otherwise.

21 "(6) [(5)] "State agency" includes a subdivision,  
22 agency, or instrumentality of the state.

23 "(7) [(6)] "State board" means the State Soil and Water  
24 Conservation Board.

25 "(8) [(7)] "State district" means a district  
26 established under Section 201.012 of this code.

27 "Sec<sup>tion</sup> 201.003. ELIGIBLE VOTER. (a) A person is eligible to

1 vote in an election under this chapter if the person:

2       "(1) is an individual who holds title to farmland or  
3 ranchland lying within a conservation district, a conservation  
4 district proposed by petition, or territory proposed by petition  
5 for inclusion within a conservation district, as applicable;

6       "(2) is 18 years of age or older; and

7       "(3) is a resident of a county all or part of which is  
8 included in the conservation district, the conservation district  
9 proposed by petition, or the territory proposed for inclusion, as  
10 applicable.

11       "(b) If a family farm corporation owns farmland or ranchland  
12 in a conservation district, in a proposed conservation district, or  
13 in territory proposed for inclusion in a conservation district, the  
14 corporation is entitled to one vote in each election under this  
15 chapter that would affect the land owned by the corporation. The  
16 corporation shall designate one corporate officer to vote for the  
17 corporation in the election. The designated officer must be:

18       "(1) 18 years of age or older; and

19       "(2) a resident of a county all or part of which is  
20 included in the conservation district, the proposed conservation  
21 district, or the territory proposed for inclusion in a conservation  
22 district. ✓ §C

23       "Sec<sup>n</sup> 201.005. WATER CODE NOT APPLICABLE. Section 12.081,  
24 Water Code, does not apply to a conservation district created under  
25 this chapter. //

26       SECTION 3. Subsections (c) and (d), Section 201.013,  
27 Agriculture Code, are amended to read as follows:

1       “(c) After receiving notice of the location of the convention  
2       ~~[No--later--than--the--10th--day--after--the--date--that--notice--of--the~~  
3       ~~location--of--the--convention--is--received]~~, the chairman of each board  
4       of directors shall call a meeting for the purpose of electing a  
5       delegate and an alternate to the state district convention. In  
6       order to serve as a delegate or an alternate, a person must be an  
7       eligible voter of the conservation district and actively engaged in  
8       farming or ranching.

9       “(d) The chairman of a board of directors shall certify the  
10      name and address of the delegate and the alternate to the state  
11      board not later than the 30th day before the date of the convention  
12      ~~[10th-day-after-the-date-of-their-selection]~~. ”

13      SECTION 4. Subsection (a), Section 201.023, Agriculture  
14      Code, is amended to read as follows:

15      “(a) Except as provided by Section 201.081 of this code, the  
16      ~~[The]~~ state board shall deposit all money and securities received  
17      by it in the state treasury to the credit of a special fund known  
18      as the state soil conservation fund. That fund shall be  
19      appropriated to the state board for use in the administration of  
20      this chapter and is subject to the same care and control while in  
21      the state treasury as other funds of the state. ”

22      SECTION 5. Subchapter B, Chapter 201, Agriculture Code, is  
23      amended by adding Section 201.026 to read as follows:

24      “Section 201.026. NONPOINT SOURCE POLLUTION. The state board  
25      shall plan, implement, and manage programs and practices for  
26      abating agricultural and silvicultural nonpoint source pollution. ”

27      SECTION 6. Subchapter C, Chapter 201, Agriculture Code, is

1 amended by amending Section 201.051 and adding Section 201.0511 to  
2 read as follows:

3       <sup>h</sup>Sec 201.051. DISSOLUTION OF CONSERVATION DISTRICT. (a) A  
4 conservation district may be dissolved by majority vote of the  
5 eligible voters in an election conducted in the manner provided by  
6 this subchapter for its creation. The board of directors of the  
7 conservation district shall notify the state board of the outcome  
8 of an election under this section.

9       “(b) On receiving notice of a vote to dissolve a conservation  
10 district, the state board shall determine whether the conservation  
11 district should continue to operate. If the state board determines  
12 that continuing the operation of the conservation district is not  
13 administratively practicable and feasible, the state board shall  
14 deliver to the secretary of state certification of the district's  
15 dissolution.

16       “(c) Certification by the state board to the secretary of  
17 state is sufficient notice of the dissolution of a conservation  
18 district. The secretary of state shall issue to the directors of  
19 the dissolved district a certificate of dissolution and shall  
20 record the fact of dissolution in the appropriate records of the  
21 secretary's office.

22       “(d) On receiving a certificate of dissolution, the board of  
23 directors of the dissolved district shall terminate the affairs of  
24 the conservation district. The board shall transfer to the state  
25 board all property owned by the conservation district. The state  
26 board may:

27               “(1) sell the property at a public auction and deposit

1 the net proceeds of the sale in the state treasury; or

2 "(2) make the property available for use by other  
3 conservation districts.

4 <sup>(e)</sup>  
5 "(e) -- Except as provided by Subsection (d) of this section,  
6 after dissolution of a conservation district has been authorized as  
7 provided in Subsection (a) of this section, the directors of the  
8 conservation district shall sell at public sale all machinery,  
9 equipment, and supplies of the conservation district purchased with  
10 state funds. The directors shall deposit the proceeds of that sale  
11 and any other state funds to the credit of the conservation  
12 district in the state treasury to the credit of the general revenue  
13 fund. ✓

14 <sup>(e)</sup> "(e) [(d)] If the dissolution of a conservation district is  
15 for the purpose of adjusting the boundaries and the conservation  
16 district is immediately reorganized, the funds and equipment of the  
17 dissolved conservation district pass to the reorganized  
18 conservation district. If more than one conservation district is  
19 created under the reorganization, the funds and equipment of the  
20 dissolved conservation district shall be divided under terms  
21 satisfactory to the directors of the reorganized conservation  
22 districts.

23 "(f) The state board may not conduct an election under this  
24 section for a conservation district before the end of the fifth  
25 year after the date of the last election under this section for  
26 that district.

27 <sup>Section</sup>  
"Section 201.0511. EFFECT OF DISSOLUTION. (a) On issuance of a  
certificate of dissolution under Section 201.051 of this code, the

1 ordinances and regulations adopted by the dissolved district cease  
2 to be in effect.

3 "(b) A contract to which a dissolved district was a party  
4 remains in effect according to the terms of the contract. The  
5 state board is substituted for the dissolved district for purposes  
6 of performance of a contract. Under a contract of the dissolved  
7 district, the state board has all the rights and liabilities under  
8 the contract that the board of directors of the dissolved district  
9 had under the contract, including the right to sue and the  
10 liability to be sued.

11 "(c) The dissolution of a conservation district does not  
12 affect a lien on a judgment obtained or an action pending under  
13 Section 201.128 of this code. The state board has all the rights  
14 and obligations with respect to a lien or an action under Section  
15 201.128 as the board of directors of the dissolved district had  
16 under that section. "

17 SECTION 7. Subsection (a), Section 201.073, Agriculture  
18 Code, is amended to read as follows:

19 "(a) Except as provided for the initial election of  
20 directors, the persons who are eligible voters and own land in a  
21 conservation district [~~subdivision~~] are entitled to elect the  
22 directors for the district [~~one-director~~]. For that purpose, the  
23 eligible voters shall meet on a date and at a time and place  
24 designated by the existing board of directors. The directors shall  
25 designate for the election a date that is after September 30 and  
26 before October 16. "

27 SECTION 8. Subsections (b), (c), and (d), Section 201.074,

1 Agriculture Code, are amended to read as follows:

2       "(b) The [~~In each of the subdivisions designated for an~~  
3 ~~election,~~] persons who are eligible voters and own land in a  
4 conservation district [~~that subdivision~~] are entitled to elect the  
5 directors for the district [~~one director~~]. The eligible voters  
6 shall meet and elect the directors [~~director~~] in the manner  
7 provided by Section 201.073 of this code, except that the state  
8 board shall designate the date, time, and place for the election.

9       "(c) [~~If there is no objection, the state board may designate~~  
10 ~~places outside of a subdivision as the polling places for electing~~  
11 ~~a director. If there is an objection, the board must receive the~~  
12 ~~approval of a majority of the persons qualified to vote for~~  
13 ~~director before it may make that designation.~~

14       "[(d)] The Election Code does not apply to elections under  
15 this section."

16       SECTION 9. Subsections (b) and (c), Section 201.080,  
17 Agriculture Code, are amended to read as follows:

18       "(b) The directors shall furnish to the state board on  
19 request copies of ordinances, rules, regulations, orders,  
20 contracts, forms, other documents that the directors adopt or  
21 employ, and other information concerning the directors' activities  
22 that the state board requires in the performance of its duties  
23 under this chapter. The state board may demand at any time and pay  
24 the costs of an audit of a conservation district's accounts.

25       "(c) The directors shall deposit all [~~soil conservation~~]  
26 ~~funds appropriated to the conservation district under Chapter 332,~~  
27 ~~Acts of the 53rd Legislature, Regular Session, 1953,~~] with state or

1 national banks or in savings and loan associations. The directors  
2 shall either deposit the funds in demand or time accounts,  
3 including interest-bearing accounts, or purchase certificates of  
4 deposit. The funds may be withdrawn only on approval of the  
5 directors and only by check or order signed by the chairman and the  
6 secretary."

7 SECTION 10. This Act takes effect September 1, 1985.

8 SECTION 11. The importance of this legislation and the  
9 crowded condition of the calendars in both houses create an  
10 emergency and an imperative public necessity that the  
11 constitutional rule requiring bills to be read on three several  
12 days in each house be suspended, and this rule is hereby suspended.

By: Sharp

S.B. No 272

(In the Senate - Filed January 28, 1985; January 29, 1985, read first time and referred to Committee on Natural Resources; February 28, 1985, reported favorably; February 28, 1985, sent to printer.)

A BILL TO BE ENTITLED  
AN ACT

relating to voters in and dissolution of soil and water conservation districts and the operation, powers, and duties of the State Soil and Water Conservation Board; amending the Agriculture Code, as amended, by adding Sections 201.005, 201.026, and 201.0511, and by amending Sections 201.002, 201.003, and 201.051; Subsection (d), Section 201.001; Subsections (c) and (d), Section 201.013; Subsection (a), Section 201.023; Subsection (a), Section 201.073; Subsections (b), (c), and (d), Section 201.074; and Subsections (b) and (c), Section 201.080.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (d), Section 201.001, Agriculture Code, is amended to read as follows:

"(d) It is the policy of the legislature to provide for the conservation of soil and related [~~soil~~] resources of this state and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state, and thus to carry out the mandate expressed in Article XVI, Section 59a, of the Texas Constitution. It is further declared as a matter of legislative intent and determination of policy that the State Soil and Water Conservation Board is the state agency responsible for implementing the constitutional provisions and state laws relating to the conservation and protection of soil resources [~~agencies-created, powers-conferred,-and-activities-contemplated-in-this--chapter--for the--conservation-of-soil-and-water-resources-and-for-the-reduction of-public-damage-resulting-from-failure-to-serve--these--natural resources,--are--supplementary--and--complementary--to--the-work-of various-river-and-other-authorities-in--this--state--and--to--other state--officers,-agencies,-and-districts-engaged-in-closely-related projects,-and-shall-not-duplicate-or-conflict-with-that-work~~]."

SECTION 2. Subchapter A, Chapter 201, Agriculture Code, is amended by amending Sections 201.002 and 201.003 and adding Section 201.005 to read as follows:

"Section 201.002. DEFINITIONS. In this chapter:

"(1) 'Conservation district' means a soil and water conservation district.

"(2) 'Director' means a member of the governing board of a conservation district.

"(3) 'Family farm corporation' means a farm corporation all shareholders of which are related to each other within the second degree by consanguinity or affinity.

"(4) 'Federal agency' includes the Soil Conservation Service of the United States Department of Agriculture and any other agency or instrumentality of the federal government.

"(5) [(4)] 'Occupier' means a person who is in possession of land lying within a conservation district, either as lessee, tenant, or otherwise.

"(6) [(5)] 'State agency' includes a subdivision, agency, or instrumentality of the state.

"(7) [(6)] 'State board' means the State Soil and Water Conservation Board.

"(8) [(7)] 'State district' means a district established under Section 201.012 of this code.

"Section 201.003. ELIGIBLE VOTER. (a) A person is eligible to vote in an election under this chapter if the person:

"(1) is an individual who holds title to farmland or ranchland lying within a conservation district, a conservation district proposed by petition, or territory proposed by petition for inclusion within a conservation district, as applicable;

"(2) is 18 years of age or older; and  
 "(3) is a resident of a county all or part of which is included in the conservation district, the conservation district proposed by petition, or the territory proposed for inclusion, as applicable.

"(b) If a family farm corporation owns farmland or ranchland in a conservation district, in a proposed conservation district, or in territory proposed for inclusion in a conservation district, the corporation is entitled to one vote in each election under this chapter that would affect the land owned by the corporation. The corporation shall designate one corporate officer to vote for the corporation in the election. The designated officer must be:

"(1) 18 years of age or older; and  
 "(2) a resident of a county all or part of which is included in the conservation district, the proposed conservation district, or the territory proposed for inclusion in a conservation district."

"Section 201.005. WATER CODE NOT APPLICABLE. Section 12.081, Water Code, does not apply to a conservation district created under this chapter."

SECTION 3. Subsections (c) and (d), Section 201.013, Agriculture Code, are amended to read as follows:

"(c) After receiving notice of the location of the convention [~~No later than the 10th day after the date that notice of the location of the convention is received~~], the chairman of each board of directors shall call a meeting for the purpose of electing a delegate and an alternate to the state district convention. In order to serve as a delegate or an alternate, a person must be an eligible voter of the conservation district and actively engaged in farming or ranching.

"(d) The chairman of a board of directors shall certify the name and address of the delegate and the alternate to the state board not later than the 30th day before the date of the convention [~~10th day after the date of their selection~~]."

SECTION 4. Subsection (a), Section 201.023, Agriculture Code, is amended to read as follows:

"(a) Except as provided by Section 201.081 of this code, the [The] state board shall deposit all money and securities received by it in the state treasury to the credit of a special fund known as the state soil conservation fund. That fund shall be appropriated to the state board for use in the administration of this chapter and is subject to the same care and control while in the state treasury as other funds of the state."

SECTION 5. Subchapter B, Chapter 201, Agriculture Code, is amended by adding Section 201.026 to read as follows:

"Section 201.026. NONPOINT SOURCE POLLUTION. The state board shall plan, implement, and manage programs and practices for abating agricultural and silvicultural nonpoint source pollution."

SECTION 6. Subchapter C, Chapter 201, Agriculture Code, is amended by amending Section 201.051 and adding Section 201.0511 to read as follows:

"Section 201.051. DISSOLUTION OF CONSERVATION DISTRICT. (a) A conservation district may be dissolved by majority vote of the eligible voters in an election conducted in the manner provided by this subchapter for its creation. The board of directors of the conservation district shall notify the state board of the outcome of an election under this section.

"(b) On receiving notice of a vote to dissolve a conservation district, the state board shall determine whether the conservation district should continue to operate. If the state board determines that continuing the operation of the conservation district is not administratively practicable and feasible, the state board shall deliver to the secretary of state certification of the district's dissolution.

"(c) Certification by the state board to the secretary of state is sufficient notice of the dissolution of a conservation district. The secretary of state shall issue to the directors of the dissolved district a certificate of dissolution and shall record the fact of dissolution in the appropriate records of the secretary's office.

"(d) On receiving a certificate of dissolution, the board of directors of the dissolved district shall terminate the affairs of the conservation district. The board shall transfer to the state board all property owned by the conservation district. The state board may:

"(1) sell the property at a public auction and deposit the net proceeds of the sale in the State Treasury; or

"(2) make the property available for use by other conservation districts.

"(e) [~~(e)~~--Except--as--provided--by--Subsection--(d)--of--this section;--after--dissolution--of--a--conservation--district--has--been authorized--as--provided--in--Subsection--(a)--of--this--section;--the directors--of--the--conservation--district--shall--sell--at--public--sale all--machinery;--equipment;--and--supplies--of--the--conservation--district purchased--with--state--funds.---The--directors--shall--deposit--the proceeds--of--that--sale--and--any--other--state--funds--to--the--credit--of the--conservation--district--in--the--state--treasury--to--the--credit--of the--general--revenue--fund-

"[~~(d)~~] If the dissolution of a conservation district is for the purpose of adjusting the boundaries and the conservation district is immediately reorganized, the funds and equipment of the dissolved conservation district pass to the reorganized conservation district. If more than one conservation district is created under the reorganization, the funds and equipment of the dissolved conservation district shall be divided under terms satisfactory to the directors of the reorganized conservation districts.

"(f) The state board may not conduct an election under this section for a conservation district before the end of the fifth year after the date of the last election under this section for that district.

"Section 201.0511. EFFECT OF DISSOLUTION. (a) On issuance of a certificate of dissolution under Section 201.051 of this code, the ordinances and regulations adopted by the dissolved district cease to be in effect.

"(b) A contract to which a dissolved district was a party remains in effect according to the terms of the contract. The state board is substituted for the dissolved district for purposes of performance of a contract. Under a contract of the dissolved district, the state board has all the rights and liabilities under the contract that the board of directors of the dissolved district had under the contract, including the right to sue and the liability to be sued.

"(c) The dissolution of a conservation district does not affect a lien on a judgment obtained or an action pending under Section 201.128 of this code. The state board has all the rights and obligations with respect to a lien or an action under Section 201.128 as the board of directors of the dissolved district had under that section."

SECTION 7. Subsection (a), Section 201.073, Agriculture Code, is amended to read as follows:

"(a) Except as provided for the initial election of directors, the persons who are eligible voters and own land in a conservation district [~~subdivision~~] are entitled to elect the directors for the district [~~one-director~~]. For that purpose, the eligible voters shall meet on a date and at a time and place designated by the existing board of directors. The directors shall designate for the election a date that is after September 30 and before October 16."

SECTION 8. Subsections (b), (c), and (d), Section 201.074, Agriculture Code, are amended to read as follows:

"(b) The [~~in each of the subdivisions designated for an election;~~] persons who are eligible voters and own land in a conservation district [~~that subdivision~~] are entitled to elect the directors for the district [~~one-director~~]. The eligible voters shall meet and elect the directors [~~director~~] in the manner provided by Section 201.073 of this code, except that the state board shall designate the date, time, and place for the election.

"(c) [~~If there is no objection, the state board may designate places outside of a subdivision as the polling places for~~

~~electing a director. -- If there is -- an -- objection, -- the -- board -- must  
 receive the approval of a majority of the persons qualified to vote  
 for director before it may make that designation.~~

"[d] The Election Code does not apply to elections under this section."

SECTION 9. Subsections (b) and (c), Section 201.080, Agriculture Code, are amended to read as follows:

"(b) The directors shall furnish to the state board on request copies of ordinances, rules, regulations, orders, contracts, forms, other documents that the directors adopt or employ, and other information concerning the directors' activities that the state board requires in the performance of its duties under this chapter. The state board may demand at any time and pay the costs of an audit of a conservation district's accounts.

"(c) The directors shall deposit all ~~[soil--conservation]~~ funds ~~[appropriated to the conservation district under Chapter 332, Acts of the 53rd Legislature, Regular Session, 1953]~~ with state or national banks or in savings and loan associations. The directors shall either deposit the funds in demand or time accounts, including interest-bearing accounts, or purchase certificates of deposit. The funds may be withdrawn only on approval of the directors and only by check or order signed by the chairman and the secretary."

SECTION 10. This Act takes effect September 1, 1985.

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

\* \* \* \* \*

Austin, Texas  
 February 28, 1985

Hon. William P. Hobby  
 President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 272, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Santiesteban, Chairman

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 11, 1985

Honorable H. Tati Santiesteban, Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 272  
By: Sharp

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 272 (relating to soil and water conservation districts and the operation of the State Soil and Water Conservation Board) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

  
Jim Oliver  
Director

Source: Soil and Water Conservation Board;  
LBB Staff: JO, JH, JG, DS

## BILL ANALYSIS

S. B. 272

By: Sharp

**BACKGROUND:** The State Soil and Water Conservation Board was created in 1939 for the following reasons: (1) to offer appropriate assistance to the directors in conservation districts in carrying out programs, (2) to coordinate the programs of the conservation districts to the extent possible through advice and consultation, (3) to secure the cooperation and assistance of the federal government, federal agencies, and state agencies, (4) to disseminate information throughout the state about the activities and programs of a conservation district, and (5) to encourage the creation of a conservation district in areas where they are needed.

In 1978, Governor Briscoe issued an executive order which designated the State Soil and Water Conservation Board as the state agency responsible for developing and implementing programs to control problems associated with nonpoint source pollution due to agricultural and silvicultural activities in Texas. Governor Clements issued a similar executive order during his administration. Nonpoint source pollution is pollution that occurs from an unidentified source such as pollution carried by rain. Agricultural nonpoint source pollution pertains to rainwater run-off pollution from agricultural activities, and silvicultural nonpoint source pollution refers to forest rainwater run-off pollution. SB 272 would establish statutorily the State Soil and Water Conservation Board as the agency with the aforementioned responsibilities so that the Board wouldn't have to be redesignated by the governor. SB 272 would also streamline the selection process for delegates, whose responsibility it is to elect state board members at conventions, and would designate the board as the entity which would take over the assets and responsibilities of a dissolved district.

**PURPOSE:** The purposes of SB 272 are: to clearly establish the State Soil and Water Conservation Board as the agency responsible for soil conservation, to give it the responsibility of implementing nonsource pollution programs, to streamline the selection process for delegates, and to coordinate the operation of conservation districts created under the Agricultural Code.

### SECTION-BY-SECTION ANALYSIS:

**SECTION 1:** Amends Section 200.001, (d) of the Agricultural Code as follows:

- (d) Names the State Soil and Water Conservation Board as the agency responsible for implementing the constitutional provisions and state laws relating to the conservation and protection of soil resources.

**SECTION 2:** Amends Subchapter (A), Chapter 201, Agricultural Code, by amending sections 201.002 and 201.003 and adding section 201.005 as follows:

Section 201.002: adds definition (3) as follows:

- (3) Defines family farm corporation as a farm corporation in which all shareholders are related to one another

Section 201.003: (a) Outlines eligibility requirements for voters in an election under this chapter.

- (b) Provides for a family farm corporation to vote in an election under this chapter and appoint one corporate officer to vote for the family corporation; this section also outlines requirements for a designated officer.

Section 201.005: The Water Code is not applicable to conservation districts created under this chapter.

## BILL ANALYSIS

SECTION 3: Amends subsection (c) and (d), section 201.013, Agricultural Code, as follows:

- (c) Requires the chairman of each board of directors to call a meeting for the purpose of electing a delegate and an alternate to the state district convention.
- (d) Changes the deadline for the chairman to certify the name of the delegate and an alternate.

SECTION 4: Section (a) 201.023, Agricultural Code, is amended as follows:

- (a) Requires the state board to deposit all monies received in the state soil conservation fund, except as provided by Sec. 201.081.

SECTION 5: Subchapter (B), Chapter 201, Agricultural Code, is amended by adding Section 201.026.

Section 201.206: Requires the state board to implement programs for abating nonpoint source pollution.

SECTION 6: Subchapter (C), Chapter 201, Agricultural Code, is amended by amending section 201.051 (C) and adding section 201.0511 as follows:

Section 201.051: (a) Requires the board of directors of a conservation district to notify the state board of the outcome of an election under this chapter.

- (b) Requires the state board to determine whether a conservation district should continue if notice is received of a vote to dissolve a district, and requires a state board to deliver to the Secretary of State a certification of the district's dissolution if the board determines that the district is not administratively feasible.
- (c) Adds the notation (C) and requires the Secretary of State to issue a dissolved district a certification of dissolution.
- (d) Requires the dissolved district to terminate affairs and turn over all property to the state. This subsection also outlines what the state can do with the money received.

Existing subsection (c) is deleted and the existing subsection (d) is renamed subsection (e).

- (f) Prohibits the state board from conducting an election before the end of the fifth year after the date of the last election.

Section 201.0511 (a) Requires ordinances and regulations adopted by a dissolved district to cease.

- (b) Provides for a contract, to which a dissolved district was a party of, to remain in effect by substituting the state board as a party in place of the dissolved district.
- (c) Provides for the dissolution of a district to have no effect on judgment obtained of action pending under Section 201.128. The state board is named as the board of directors of the dissolved district with respect to the obligations under Section 201.128.

## BILL ANALYSIS

SECTION 7: Subsection (a), Section 201.073, Agricultural Code, is amended as follows:

- (a) Renames a subdivision as a conservation district and substitutes the words the "directors for the districts" in place of the words "one director."

SECTION 8: Amends Subsection (b), (c), and (d), Section 201.074, Agricultural Code, as follows:

- (b) Renames a subdivision as a conservation district and substitutes the words "directors for the districts" in place of the words "one director."
- (c) This subsection, which outlines methods by which the state board may designate a polling place outside a subdivision, is deleted.
- (d) No substantive change.

SECTION 9: Subsections (b) and (c), Section 201.080, Agricultural Code, are amended as follows:

- (b) Permits the state board to demand at any time an audit of any conservation district's accounts.
- (c) Requires directors to deposit all funds with state or national bank associations.

SECTION 10: Effective date.

SECTION 11: Emergency clause.

RULE-MAKING AUTHORITY: The State Soil and Water Conservation Board is charged with developing, implementing, and managing programs to abate nonpoint source pollution in the state.

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE**

February 11, 1985

Honorable H. Tati Santiesteban, Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 272  
By: Sharp

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 272 (relating to soil and water conservation districts and the operation of the State Soil and Water Conservation Board) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

  
Jim Oliver  
Director

Source: Soil and Water Conservation Board;  
LBB Staff: JO, JH, JG, DS

AN ACT relating to soil and water conservation districts and the operation of the State Soil and Water Conservation Board.

~~1-28-85~~  
JAN 29 1985 Filed with the Secretary of the Senate  
NAT

Read, referred to Committee on NATURAL RESOURCES

**FEB 28 1985** Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed. \_\_\_\_\_

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ years, \_\_\_\_\_ days.

Read second time and { ordered engrossed.  
passed to third reading.

**Caption ordered amended to conform to body of bill.**

Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

**OTHER ACTION:**

**Secretary of the Senate**

**Engrossed**

**Sent to House**

## ENGROSSING CLERK

                     Received from the Senate

\_\_\_\_\_ Read first time and referred to Committee on \_\_\_\_\_

\_\_\_\_\_ Reported favorably amended, sent to Printer at \_\_\_\_\_

                     Printed and Distributed                     

                     Sent to Committee on Calendars                     

\_\_\_\_\_ Read Second time (amended): passed to third reading (failed)  
by (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays  
\_\_\_\_\_ Present, not voting.

\_\_\_\_\_ Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_ Read third time (amended); finally passed (failed) by a  
(Non-Record Vote) Record Vote of \_\_\_\_\_ yeas \_\_\_\_\_ nays  
\_\_\_\_\_ present not voting.

\_\_\_\_\_ Caption ordered amended to conform to body of bill.

                     **Returned to Senate.**

**Chief Clerk of the House**